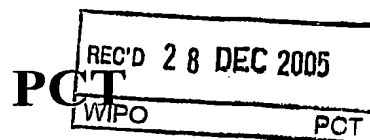


# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
DEAN P. ALDERUCCI  
WALKER DIGITAL MANAGEMENT, LLC  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905



## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 04-027WO		Date of mailing (day/month/year) <b>22 DEC 2005</b> <b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. PCT/US05/21108	International filing date (day/month/year) 16 June 2005 (16.06.2005)	Priority date (day/month/year) 16 June 2004 (16.06.2004)
International Patent Classification (IPC) or both national classification and IPC IPC, 7: G06F 17/60 and US Cl.: 705/1, 22, 28		
Applicant WALKER DIGITAL, LLC		

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Date of completion of this opinion 06 September 2005 (06.09.2005)	Authorized officer  John Weiss Telephone No. 571-272-3600
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/21108

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper  
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in electronic form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/21108

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims NONE YES

Claims 1-30 NO

Inventive step (IS)

Claims NONE YES

Claims 1-30 NO

Industrial applicability (IA)

Claims 1-30 YES

Claims NONE NO

2. Citations and explanations:

Claims 1-30 lack novelty under PCT Article 33(2) as being anticipated by Whitten et al (US 2002/0195458) (hereinafter referred to as Whitten. Whitten discloses receiving a request for a product to be dispensed by a vending machine Figures 1 (102) and 8 (800), providing a plurality of selectable menu options (Figure 2), receiving from the customer a selection, determining whether to provide a resolution, and providing an offer of a second product of a refund (abstract and [0022], Figure 1 (155)).

Claims 1-30 lack novelty under PCT Article 33(2) as being anticipated by Walker et al (US 6,324,520). Walker discloses receiving from a customer a request, providing a plurality of selectable menu options, receiving a selection, determining whether to provide a resolution, determining that the vending machine has failed to dispense the first product and providing the customer a product other than the product indicated (Abstract and Figure 8B, col. 2, line 65 through col. 3, line 28).